

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2014-0047

ROW

**CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

WARNING: Filing of this appeal stops all affected construction activity.

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.**

STREET ADDRESS: 1193 1/2 San Bernard

LEGAL DESCRIPTION: Subdivision – _____

Lot(s) 1 Block 8 Outlot 56 Division B

I/We Matthew Powers _____ on behalf of myself/ourselves as authorized agent for

John Downes affirm that on April 3, 2014,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

Remodel an existing 1092 st ft dwelling located at the front of the lot which will be reduced to 814 square feet and used as a secondary apartment in order to construct a new principle residence in an SF-3-NP zoning district.

in a _____ district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

This property is zoned SF-3NP therefore we are not seeking a variance to any zoning issue.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

~~The Historic Preservation Office has requested the house located at 1193 1/2 San~~ Bernard to be preserved due to its long standing ties to Austin's African American past. Unfortunately, the existing single story residence does not have sufficient structural integrity to support the addition of a second story or adjacent addition. Two separate engineers have viewed the property and deemed it unsuitable for additional square footage in its current state. Furthermore, the existing structure does not comply with base zoning setbacks and is grandfathered in as is. Any additional square footage would not meet Subchapter F tent restrictions.

- (b) The hardship is not general to the area in which the property is located because:

~~The dilapidated condition of the house make it unique to the surrounding area. A copy~~ of a Violation Notice from COA from last year is attached. The structure has also warranted several calls to the police for vagrants living in the crawl space.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

~~As a potential historic district the COA feels it is very important to maintain the historic~~ character of the street and the streetscape of San Bernard. The existing house refurbished back to its original condition will add to the character of the district. Both structures will meet all SF-3NP requirement. Keeping the historic house front and center does not alter the character, nor impair the purpose of the zoning district in any way.

public streets in such a manner as to interfere with the free flow of traffic of the streets because:

C15-2014-0047

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 42 Robert T Martinez St

City, State & Zip Austin TX 78702

Printed Matthew Powers Phone 512-225-4043 Date 4/7/2014

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 3306 Edge VW

City, State & Zip San Antonio TX 78259

Printed John Downes Phone 512-694-2538 Date 4/7/2014



Founded By Congress, Republic of Texas 1839
Code Compliance Department
P.O. Box 1088, Austin, Texas 78767 - 1088

C15-2014-0047

March 26, 2013

NOTICE OF VIOLATION

via Certified Mail #7010 2780 0003 4756 5278

Estate Mrs Frances Shaw % Bettye D Overton
3302 Kay St.
Austin, Tx 78702-3138

RE: 1193 1/2 SAN BERNARD STREET

Legally described as 50 X 175 FT OF LOT 1 BLK 8 OLT 56 DIV B ROBERTSON
GEO L SUBD
Zoned as
Parcel Number 0207080702

Dear Estate Mrs Frances Shaw % Bettye D Overton:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 512-974-9033 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-9033 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Ownership Information

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:

City of Austin
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767

Additionally, if this property has other owner(s), please provide me with this information.

Failure to Correct

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

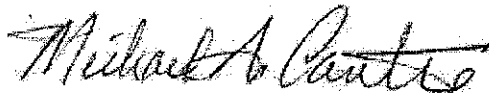
If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

Complaints

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

City of Austin
Code Compliance Department Manager
P.O. Box 1088
Austin, Texas 78767

Sincerely,



Mike Carter, Code Enforcement Inspector
Code Compliance Department
Case CV-2013-029947

INVESTIGATION REPORT

Investigator: Mike Carter
Case: CV-2013-029947
Address: 1193 1/2 SAN BERNARD STREET
Zoned as

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

STRUCTURE MAINTENANCE

The International Property Maintenance Code, adopted by reference in Chapter 25-12, Article 9 of the Austin City Code:

Code Section: Structural Members (§304.4)

Description of Violation: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. Replace porch pillars.

Date Observed: 03/26/2013

Status: Not Cleared

Required Remedy: Replace

Code Section: Exterior Walls (§304.6)

Description of Violation: All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. Repair holes and rotten boards.

Date Observed: 03/26/2013

Status: Not Cleared

Required Remedy: Repair

Code Section: Roofs and Drainage (§304.7)

Description of Violation: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Repair roof system.

Date Observed: 03/26/2013

Status: Not Cleared

Required Remedy: Repair

Code Section: Basement Hatchways (§304.16)

Description of Violation: Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Prevent entry underneath residence.

Date Observed: 03/26/2013

Status: Not Cleared

Required Remedy: Secure

Code Section: Electrical System Hazards (§604.3)

Description of Violation: Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. Repair lighting fixtures and repair wiring.

Date Observed: 03/26/2013

Status: Not Cleared

Required Remedy: Repair